

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

DIANE THERESA MARCINKEVICH, :

Plaintiff : CIVIL ACTION NO. 3:16-0669

**v. : (MANNION, D.J.)
(ARBUCKLE, M.J.)**

NANCY A. BERRYHILL, :

Defendant :

MEMORANDUM

Pending before the court is the report of Judge William I. Arbuckle, which recommends that the plaintiff's complaint challenging the final decision of the Commissioner denying her applications for disability insurance benefits ("DIB") and supplemental security income ("SSI") under Titles II and XVI of the Social Security Act, (Doc. 1), be denied. (Doc. 16). Neither the Commissioner nor the plaintiff have filed any objections to Judge Arbuckle's report. The time within which to file objections has expired.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." [Fed.R.Civ.P. 72\(b\)](#), advisory committee notes; see *also* [Univac Dental Co. v. Dentsply Intern., Inc.](#), 702 F.Supp.2d 465, 469 (2010) (citing [Henderson v. Carlson](#), 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept or

modify, in whole or in part, the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); Local Rule 72.31.

The court has reviewed the reasons presented by Judge Arbuckle for recommending that the plaintiff's complaint be denied, and that the Commissioner's final decision be affirmed pursuant to sentence four of 42 U.S.C. §405(g). Because the court agrees with the sound reasoning that led Judge Arbuckle to the conclusions in his report and finds no clear error on the face of the record, the court will adopt the report in its entirety. An appropriate order shall issue.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: August 6, 2018

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